

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH ARCHAMBAULT,

Plaintiff

v.

LIBERTY LIFE ASSURANCE COMPANY OF
BOSTON

Defendant

Civil Action No. 05-11762-NG

**DEFENDANT'S COMBINED ASSENTED-TO MOTION TO STRIKE
PLAINTIFF'S MEMORANDUM IN SUPPORT OF SUMMARY
JUDGMENT AND MOTION TO DESIGNATE THE DATE BY WHICH
DEFENDANT MUST RESPOND TO PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AS THE DATE THAT IS 14 DAYS AFTER
PLAINTIFF SUBMITS A MEMORANDUM THAT COMPLIES WITH
LOCAL RULE 7.1(B)(4)**

Defendant, Liberty Life Assurance Company of Boston ("Liberty Life"), moves, with Plaintiff's assent, for an Order striking Plaintiff's memorandum of law submitted in support of his motion for summary judgment on the grounds that it exceeds the 20 page limit established by Local Rule 7.1(B)(4) without leave of Court, and to permit Plaintiff to file a memorandum that complies with Local Rule 7.1(B)(4) within three days. Defendant also moves the Court to designate the date by which it must respond to Plaintiff Motion For Summary Judgment as the date that is 14 days from the date Plaintiff submits a memorandum that complies with Local Rule 7.1(B)(4). The grounds for this motion are set forth in the accompany memorandum and the Declaration of Guy P. Tully filed with this motion. As set forth below, Plaintiff's counsel assents to this motion.

WHEREFORE, Defendant respectfully requests that the Court: (1) strike Plaintiff's memorandum submitted in support of his motion for summary judgment on August 18, 2006; (2) require Plaintiff to submit a memorandum that complies with the page limits of Local Rule

7.1(B)(4) within three days; (3) designate the date by which Defendant must respond to Plaintiff Motion For Summary Judgment as the date that is 14 days from the date Plaintiff submits a memorandum that complies with Local Rule 7.1(B)(4); and (4) award such other relief as the Court may deem appropriate and just.

Certification Pursuant To Local Rule 7.1(A)(2)

The undersigned Counsel for Defendant hereby certifies that he conferred with Plaintiff's counsel on August 22, 2006, in an effort to resolve or narrow the issues encompassed by this Motion. As set forth below, counsel for Plaintiff assents to this motion.

Respectfully submitted,

LIBERTY LIFE ASSURANCE
COMPANY OF BOSTON

/s/ Guy P. Tully

Guy P. Tully, BBO#555625
Richard W. Paterniti, BBO #645170
Jackson Lewis, LLP
75 Park Plaza
Boston, MA 02116
(617) 367-0025

ASSENTED-TO:

JOSEPH ARCHAMBAULT

By his Attorney,

/s/ Richard K. Latimer//by GPT

Richard K. Latimer, BBO #287840
222 Main Street, Room 205
Falmouth, MA 02540
(508) 548-7006

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2006, a copy of the foregoing was served by electronic mail and through the ECF system on Plaintiff's counsel.

/s/ Guy P. Tully
Jackson Lewis LLP